UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,592	07/08/2003	Louis Johan Wagenaar	BAY-001.01	8286
25181 FOLEY HOAG	7590 04/13/200 LLP	EXAMINER		
PATENT GROUP, WORLD TRADE CENTER WEST			AZPURU, CARLOS A	
	155 SEAPORT BLVD BOSTON, MA 02110		ART UNIT	PAPER NUMBER
			1615	
			MAIL DATE	DELIVERY MODE
			04/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)			
Office Action Summary		10/615,592	WAGENAAR, LOUIS JOHAN			
		Examiner	Art Unit			
		Carlos A. Azpuru	1615			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)[\	Responsive to communication(s) filed on <u>02 Fe</u>	shruary 2009				
•		action is non-final.				
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
تارک	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
· · _		54-60 and 62 is/are pending in the	e annlication			
•	Claim(s) 3,18,20,21,23,24,36-40,43-45,47-52,54-60 and 62 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.					
	□ 15/are withdrawn from Consideration. Claim(s) 18, 20-21, 23,24, 36-40, 44-45, 47-52, 54-60 and 62 is/are allowed.					
· · · · · · · · · · · · · · · · · · ·	· <u> </u>					
· ·	⊠ Claim(s) <u>3 and 43</u> is/are rejected. □ Claim(s) is/are objected to.					
	Claim(s) are subject to restriction and/or	election requirement				
		oloculott roquitotticiti.				
	on Papers					
9)☐ The specification is objected to by the Examiner.						
10)	The drawing(s) filed on is/are: a)☐ acce					
	Applicant may not request that any objection to the					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority ι	ınder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) Notic 3) Inform	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	nte			

DETAILED ACTION

Receipt is acknowledged of the amendment filed 02/02/2009.

The rejection of claims 3 and 43 over WO/98/32421is maintained in this action. The full rejection, including statutory basis, is found in the last office action.

Response to Arguments

Applicants has shown unexpected results by pointing out that the Siccaprotect trade papers show a contraindication for use with soft contact lenses. However, claim 3 still sets out daily lenses which are not soft contact lenses. The rejection is therefore maintained.

Allowable Subject Matter

Claims 18, 20-21, 23,24, 36-40, 44-45, 47-52, 54-60 and 62 are allowable over the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Application/Control Number: 10/615,592 Page 3

Art Unit: 1615

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Azpuru whose telephone number is (571) 272-0588. The examiner can normally be reached on Tu-Fri, 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/615,592 Page 4

Art Unit: 1615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos A. Azpuru/ Primary Examiner, Art Unit 1615 Carlos A. Azpuru Primary Examiner Art Unit 1615

caz